

AMENDED IN SENATE AUGUST 20, 2012

AMENDED IN SENATE AUGUST 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2220**

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**Introduced by Assembly Member Gatto**

February 24, 2012

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An act to amend Section 9085 of the Elections Code, and to amend Section 88002.5 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2220, as amended, Gatto. Elections: statewide ballot pamphlet.

The Political Reform Act of 1974 requires the Legislative Analyst to prepare an impartial analysis of each initiative measure to appear on the ballot, and provides that the Legislative Analyst is solely responsible for determining the content of the analysis. The act requires the Legislative Analyst to prepare an impartial fiscal analysis of a measure that is included in the ballot pamphlet stating whether the measure would increase or decrease any revenue or cost to state or local government. Existing law also requires the Legislative Analyst to prepare for inclusion in the ballot pamphlet a summary statement regarding the general meaning and effect of “yes” and “no” votes on each state measure.

The Political Reform Act of 1974, an initiative statute, generally provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements. The act also provides that, notwithstanding this requirement, the Legislature may, without restriction, amend

specified provisions of the act to add to the ballot pamphlet information regarding candidates or other information.

This bill would, except as specified, require, if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide an increase in revenues to fund new or existing programs, create a new fund, or create or change a funding formula for one or more specified programs, that a specified paragraph, if applicable, be added at the end of the “yes” and “no” summary statement in the ballot pamphlet advising voters as to the effect of the initiative measure on state funding requirements. The bill also would contain a finding and declaration of the Legislature that the bill permits or requires additional information to be included in the ballot pamphlet in accordance with the provision of the Political Reform Act of 1974 described above that authorizes the Legislature to add information to the ballot pamphlet.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 9085 of the Elections Code is amended  
2 to read:  
3 9085. (a) The ballot pamphlet shall also contain a section,  
4 located near the front of the pamphlet, that provides a concise  
5 summary of the general meaning and effect of “yes” and “no”  
6 votes on each state measure.  
7 (b) The summary statements required by this section shall be  
8 prepared by the Legislative Analyst. These statements are not  
9 intended to provide comprehensive information on each measure.  
10 The Legislative Analyst shall be solely responsible for determining  
11 the contents of these statements. The statements shall be available  
12 for public examination and amendment pursuant to Section 9092.  
13 (c) (1) Except as provided in paragraphs (2) and (3), if an  
14 initiative measure qualifies for the ballot and the analysis prepared  
15 pursuant to Section 9087 determines that the initiative measure  
16 would provide for an increase in revenues to fund new or existing  
17 programs, create a new fund, or create or change a funding formula  
18 for one or more specified programs, the Legislative Analyst shall  
19 add a paragraph at the end of the summary statement prepared  
20 pursuant to this section, stating in boldface type one of the  
21 following, if applicable:

1 (A) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
2 *measure*, this initiative would permanently dedicate state funding  
3 to the program(s) identified, and these funds would not be available  
4 to meet other responsibilities of the state.”

5 (B) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
6 *measure*, or by a supermajority vote of each house of the  
7 Legislature and approval by the Governor, this initiative would  
8 permanently dedicate state funding to the program(s) identified,  
9 and these funds would not be available to meet other  
10 responsibilities of the state.”

11 (C) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
12 *measure*, or by a supermajority vote of each house of the  
13 Legislature and approval by the Governor, this initiative would  
14 permanently create and lock in a formula for the state budget.”

15 (D) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
16 *measure*, this initiative would permanently dedicate the revenue  
17 it generates to the program(s) identified, and these revenues would  
18 not be available to meet other responsibilities of the state.”

19 (2) Subparagraph (D) of paragraph (1) shall not apply if the  
20 measure provides that the increase in revenues is to be deposited  
21 without restriction into the General Fund commencing at a future  
22 date after its enactment, or if the initiative measure allows the  
23 Legislature to reallocate the increase in revenues.

24 (3) If the Legislative Analyst determines that no subparagraph  
25 set forth in paragraph (1) is applicable, the Legislative Analyst  
26 shall add a paragraph at the end of the summary statement prepared  
27 pursuant to this section stating, in boldface type and in a form  
28 similar to that prescribed by the subparagraphs set forth in  
29 paragraph (1), the effect of the initiative measure on state funding  
30 requirements.

31 SEC. 2. Section 88002.5 of the Government Code is amended  
32 to read:

33 88002.5. (a) The ballot pamphlet shall also contain a section,  
34 located near the front of the pamphlet, that provides a concise  
35 summary of the general meaning and effect of “yes” and “no”  
36 votes on each state measure.

37 (b) The summary statements required by this section shall be  
38 prepared by the Legislative Analyst. These statements are not  
39 intended to provide comprehensive information on each measure.  
40 The Legislative Analyst shall be solely responsible for determining

1 the contents of these statements. The statements shall be available  
2 for public examination and amendment pursuant to Section 88006.

3 (c) (1) Except as provided in paragraphs (2) and (3), if an  
4 initiative measure qualifies for the ballot and the analysis prepared  
5 pursuant to Section 88003 determines that the initiative measure  
6 would provide for an increase in revenues to fund new or existing  
7 programs, create a new fund, or create or change a funding formula  
8 for one or more specified programs, the Legislative Analyst shall  
9 add a paragraph at the end of the summary statement prepared  
10 pursuant to this section, stating in boldface type one of the  
11 following, if applicable:

12 (A) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
13 *measure*, this initiative would permanently dedicate state funding  
14 to the program(s) identified, and these funds would not be available  
15 to meet other responsibilities of the state.”

16 (B) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
17 *measure*, or by a supermajority vote of each house of the  
18 Legislature and approval by the Governor, this initiative would  
19 permanently dedicate state funding to the program(s) identified,  
20 and these funds would not be available to meet other  
21 responsibilities of the state.”

22 (C) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
23 *measure*, or by a supermajority vote of each house of the  
24 Legislature and approval by the Governor, this initiative would  
25 permanently create and lock in a formula for the state budget.”

26 (D) “Unless changed by a future voter-approved ~~initiative~~ *ballot*  
27 *measure*, this initiative would permanently dedicate the revenue  
28 it generates to the program(s) identified, and these revenues would  
29 not be available to meet other responsibilities of the state.”

30 (2) Subparagraph (D) of paragraph (1) shall not apply if the  
31 measure provides that the increase in revenues is to be deposited  
32 without restriction into the General Fund commencing at a future  
33 date after its enactment, or if the initiative measure allows the  
34 Legislature to reallocate the increase in revenues.

35 (3) If the Legislative Analyst determines that no subparagraph  
36 set forth in paragraph (1) is applicable, the Legislative Analyst  
37 shall add a paragraph at the end of the summary statement prepared  
38 pursuant to this section stating, in boldface type and in a form  
39 similar to that prescribed by the subparagraphs set forth in

1 paragraph (1), the effect of the initiative measure on state funding  
2 requirements.  
3 SEC. 3. The Legislature finds and declares that this act permits  
4 or requires the inclusion of additional information on the ballot  
5 pamphlet in accordance with Section 88007 of the Government  
6 Code.

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